



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,090	05/28/1999	RICHARD L. FRANK	ORA99-03-(OI	5972

7590 12/06/2001

RODNEY D JOHNSON
HAMILTON BROOK SMITH & REYNOLDS
TWO MILITIA DRIVE
LEXINGTON, MA 024214799

EXAMINER

BENSON, WALTER

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 12/06/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

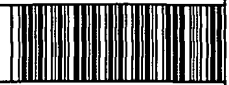
Office Action Summary

Application No.
09/321,090

Applicant(s)
Frank et al.

Examiner
Walter Benson

Art Unit
2153



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 2153

DETAILED ACTION

1. Claims 1-5 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wipfel et al. (US Patent No. 6,151,688 and Wipfel hereinafter).

4. As to claims 1 and 5, Wipfel discloses an apparatus, method and computer program product [col. 6, lines 56-65 and col. 7, lines 1-3] for managing membership of nodes in a computer network cluster, the method comprising:

interfacing a shareable storage device to a network cluster (Fig. 1; col. 6, lines 35-36);

Art Unit: 2153

granting membership in the network cluster to a node if the node has access to the shareable storage device (col. 8, lines 52-59).

5. As to claim 2, Wipfel discloses an apparatus, method and computer program product [col. 6, lines 56-65 and col. 7, lines 1-3] for managing membership of nodes in a computer network cluster, the method further comprising:

revoking membership of the node in the computer network cluster if the node ceases to have access to the sharable storage device (col. 8, lines 47-51).

6. As claim 3, Wipfel discloses an apparatus, method and computer program product [col. 6, lines 56-65 and col. 7, lines 1-3] for managing membership of nodes in a computer network cluster, the method further comprising:

ceasing operation of the cluster if no node has access to the shareable storage device (col. 13, lines 23-33).

7. As to claim 4, Wipfel discloses a system for managing membership of nodes in a computer network cluster, comprising:

a network infrastructure for supporting a plurality of nodes in a computer network (Fig. 1; col. 6, lines 42-44);

a storage device separated from the network infrastructure and

Art Unit: 2153

interconnectable to a plurality of nodes (114, 124, Fig 1);

a node interconnected with the storage device (Fig. 1; col. 6, lines 35-36);

a manager [col. 8, lines 35-40] mechanism to grant membership in the network cluster to the node based on the node having access to the storage device (col. 8, lines 52-59).

Prior Art Made of Record

8. A. Ehlinger et al. (US Patent No. 6,311,217) discloses a method and apparatus for improved cluster administration;

B. Moiin et al. (US Patent No. 6,192,483) a method and apparatus for data integrity and availability in a distributed computer system.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Benson whose telephone number is (703) 306-4525. The examiner can normally be reached on Monday to Thursday and alternate Fridays from 6:30 AM to 5:00 PM.


Art Unit: 2153

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 3746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

Walter Benson 
Patent Examiner

December 1, 2001


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100